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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/769,750 .	01/26/2001	Kimihiko Nishioka	P 0277074 OL92500N-US	7416	
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PILLSBURY WINTHROP, LLP			EXAMINER		
P.O. BOX 10500 MCLEAN, VA 22102			ASSAF, FAYEZ G		
			ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicanties Office Action Summary Examiner Fayez G. Assaf 2872					P.S.					
Office Action Summary Camillor Camillor	, ,		Application No.	Applicant(s)						
Fayez G. Assaf 2872	•		09/769,750	NISHIOKA, KIMIH	IKO					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinor for many be swalled under the provisions of 3 CFR 1.136(a). In or overt, however, may a right be timely filed after SX (8) MONTHS from the maining date of the communication. I address the state of the communication of the communication of the provision of the provision of the communication. I if NO period for early is specified above, the manatum attentory period will graph and will expire X(6) MONTHS from the maining date of this communication. I if NO period for early is specified between the mine the maining date of the communication. I if NO period for early is specified between the mine the maining date of the communication. I if NO period for early is specified between the mine the maining date of the communication. I is described by within the sation of the communication. I is described by within the sation of the communication. I is described by within the sation of the communication. I is described by within the sation of the communication. I is described by the Circle state of the communication. I is described by the Circle state of the communication. I is described by the Circle state of the communication. I is described by the communication. I i			Examiner	Art Unit						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enteneiors of term may be available under the provisions of 3 CPR 1.156(p). In no event, however, may a reply be smely filed If the period for reply specified above is less than triety (30) days, a reply within the stabulory printinum of trity (30) days will be considered timely. If the period for reply specified above is the status from (30) days, a reply within the stabulory printinum of trity (30) days will be considered timely. If all NO period for reply specified above, the maximum stabulory period will apply and will expire 30 (6) (MONTHS from the realing date of this communication. If all NO period for reply specified above, the maximum stabulory period will be specified to become ABANDONED (30 U.S.C. § 133). Pall the period for reply specified above, the maximum stabulory period will be specified to become ABANDONED (30 U.S.C. § 133). Status 1) Responsive to communication(s) filed on 28 February 2003. 2a) Ship can be specified to be specified and pall the properties of the communication. Application is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved,	The MAILING DATE of this communication appears on the cover sheet with the correspondence address									
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of	Summary (PTO-413) Paper No Informal Patent Application (PT						

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/769,750 Page 2

Art Unit: 2872

DETAILED ACTION

Claim Objections

Claim 46 is objected to, because the recitation with respect to "the finder" lacks sufficient antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7, 34, 46, 52, 53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Koops (US 6,064,506).

Regarding claims 7, 34, 53 and 54, Koops discloses a variable hologram element (see Fig. 2), comprising, a liquid crystal impregnated into interstitial voids in a dispersed photonic structure having a two-dimensional or three-dimensional lattice structure (line 57 of Col. 3 to line 25 of Col. 4).

Application/Control Number: 09/769,750

Art Unit: 2872

Regarding claims 53 and 54, it is noted that the liquid crystal is a variable refractive-index substance.

Regarding claim 46, Koops discloses the optical axis of the variable hologram being at 0 degree with respect to the normal (left holograms in Fig. 2), which satisfies the second condition.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koops.

Regarding claims 47-51, Koops discloses the variable hologram being used in an optical switch. Koop does not disclose the combination of the variable hologram in the optical devices variously recited (display, finder, optical pick-up, variable-focus glasses or a measuring device). However, utilizing such a variable hologram, for a multiplicity of

Application/Control Number: 09/769,750

Art Unit: 2872

purposes, in said devices is conventional and well known in the art.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to employ variable hologram(s) in such devices so as to reduce the weight of the optical devices, and the manufacturing costs.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Application/Control Number: 09/769,750

Art Unit: 2872

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayez Assaf whose telephone number in (703) 306-5526. The fax number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Fayez Assaf

5/18/03

JOHN JUBA PRIMARY EXAMINER Page 5